

Notice of Allowability	Application No.	Applicant(s)	
	09/933,927	MARKEL, STEVEN O.	
	Examiner	Art Unit	
	Raymond J. Bayerl	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 20 March 2006; telephone interview, 26 April 2006.
2. ☒ The allowed claim(s) is/are 28 - 57, all other claims canceled.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>20 March 2006</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> |
|---|--|

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

26 April 2006

Continuation of Attachment(s) 9. Other: "Attachment A"--new copy of claims 28 - 57.

Art Unit: 2173

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Bockman on 26 April 2006.

3. The application has been amended as follows:

In the Claims:

The text of claims 28 – 57 has been replaced by the copy attached to this Office action as "Attachment A".

These amendments have been made in order to help distinguish claims 46, 50 over the prior art of record.

4. The following is an examiner's statement of reasons for allowance:

After careful consideration of applicant's 4 independent claims 28, 42, 46, 50, in addition to continuing to deem claim 46 to define over the prior art now made of record (see line of reasoning in the previous office action, mailed 19 December 2005), the Examiner agrees with applicant, in that the art of record does not teach or suggest the two-format parsing of a platform independent file used to describe television enhancements in which events are triggered in synchrony with a video presentation, such that both a web browser and television platform may be supported, as in claims 28, 46 and 50.

The two references previously relied upon in a 35 USC 103 rejection, Zigmond et al. (US #6,785,902 B1) and Wugofski (US #6,201,538 B1), might each transform HTML into one of the formats (web browser and television, respectively), but there is no real suggestion of parsing in the two different modes from the same platform independent file; applicant's 20 March 2006 arguments are persuasive.

In the IDS filed 20 March 2006, the particularly-relevant reference by Vuorimaa et al., "XML Based Text TV", has been cited, in which we experimented using the same content both in XML browser and text TV, an advantage of the XML (page 113). However, as applicant has noted during a telephone interview conducted on 26 April 2006, the kind of pages that are handled in Vuorimaa are not those that relate to an "enhancement" that "is rendered in synchrony with at least one image of a video presentation", created via "trigger information specifying at least one event" (independent claim 1 quoted as exemplary).


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

Art Unit: 2173

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

26 April 2006

ATTACHMENT A

Application No. 09/933,927

2

Attorney Docket No.: 577172000600

AMENDMENTSIn the Claims:

This listing of claims replaces all prior versions and listings of claims for this application.

1-27. (Canceled)

28. (Previously Presented) A method of creating a television presentation enhancement comprising:

accessing a platform independent enhancement file containing elements, attributes of said elements, and trigger information specifying at least one event wherein said enhancement is rendered in synchrony with at least one image of a video presentation;

applying a first parsing script to said platform independent enhancement file to produce a first output file that provides rendering of said enhancement in synchrony with said at least one image in a web browser having an embedded media player; and

applying a second parsing script to said platform independent enhancement file to produce a second output file that provides rendering of said enhancement in synchrony with said at least one image on a specific television platform.

29. (Previously Presented) The method of claim 28 wherein said platform independent enhancement file further comprises:

XML compliant tags for elements, triggers, and administrative information comprising enhancement file name and enhancement file creation date.

30. (Previously Presented) The method of claim 28 wherein said platform independent enhancement file is a text file.

31. (Previously Presented) The method of claim 28 further comprising:
displaying said first output file in a browser window.

va-160698

Application No. 09/933,927

3

Attorney Docket No.: 577172000600

32. (Previously Presented) The method of claim 28 wherein said step of applying a second parsing script further comprises:

specifying a version of HTML for said second output file.

33. (Previously Presented) The method of claim 28 wherein a link is associated with at least one of said elements.

34. (Previously Presented) The method of claim 28 wherein said attributes of said elements further comprises:

a z order value for at least one of said elements.

35. (Previously Presented) The method of claim 28 wherein said first parsing script is an XSL transformation file.

36. (Previously Presented) The method of claim 28 wherein said second parsing script is an XSL transformation file.

37. (Previously Presented) The method of claim 28 wherein said platform independent enhancement file contains a change text function.

38. (Previously Presented) The method of claim 28 wherein said second parsing script imports HTML code into said second output file.

39. (Previously Presented) The method of claim 28 wherein accessing said enhancement file further comprises:

accessing a database containing user and project administration information, page layout information and trigger creation information.

40. (Previously Presented) The method of claim 28 wherein said second parsing script is operable to translate a color value.

va-160698

Application No. 09/933,927

4

Attorney Docket No.: 577172000600

41. (Previously Presented) The method of claim 28 further comprising:
editing said platform independent enhancement file to specify elements and attributes of said elements.

42. (Previously Presented) A computer readable medium comprising a parser for producing a platform specific television enhancement file the parser comprising:

- a function that accesses a platform independent file containing project information, a description of an element, the position of said element, and a time at which said element may be rendered;
- a function that creates an HTML header containing said project information;
- a function that places said position of said element between division tags in an HTML output file if said element is either a text element or a graphic element;
- a function that inserts JavaScript code if said element is an imported element;
- a function that embeds a media player in an HTML file if said element is a television element;
- a function that updates an address at which said element may be accessed; and
- a function that creates and stores triggers in a JavaScript array.

43. (Previously Presented) The computer readable medium of claim 42 wherein said parser is XSL compliant.

44. (Previously Presented) The computer readable medium of claim 42 further comprising:
a function that imports HTML code.

45. (Previously Presented) The computer readable medium of claim 42 further comprising:
a function to translate color value.

va-160698

Application No. 09/933,927

5

Attorney Docket No.: 577172000600

46. (Currently Amended) A method of producing a television enhancement comprising:
accessing a database containing a platform independent enhancement file comprising
elements, attributes of said elements, and trigger information specifying at least one event when said
enhancement is rendered in synchrony with a video presentation;

selecting ~~one~~ a first parsing program from a plurality of parsing programs each parsing
program supporting a specific platform;

parsing said platform independent enhancement file using said ~~one~~ first parsing program to
produce ~~an~~ a first output file that may be viewed with a web browser; ~~a specific platform~~; and

saving said first output file;

selecting a second parsing program from the plurality of parsing programs;

parsing said platform independent enhancement file using said second parsing program to
produce a second output file that may be viewed with employing a specific television platform; and

saving said second output file.

47. (Previously Presented) The method of claim 46 wherein said platform independent
enhancement file is XML compliant.

48. (Currently Amended) The method of claim 46 wherein said step of parsing said platform
independent enhancement file using said first parsing program further comprises:

applying an XSL transformation to said platform independent enhancement file.

49. (Currently Amended) The method of claim 46 wherein said step of parsing said platform
independent enhancement file using said first parsing program further comprises:

translating a color value associated with one of said elements.

50. (Currently Amended) A system for developing television enhancements comprising:

a computer

a database;

va-160698

Application No. 09/933,927

6

Attorney Docket No.: 577172000600

a web browser;

a first parser that parses a platform independent enhancement file contained in said database and that produces an output that may be viewed employing said browser ; and

a second parser that parses said platform independent enhancement file contained in said database and that produces an output that may be viewed employing a specific television platform,

wherein said platform independent enhancement file comprises elements, attributes of said elements, and trigger information specifying at least one event when said outputs are rendered in synchrony with a video presentation.

51. (Previously Presented) The system of claim 50 further comprising:

a component that embeds a media player in said browser if said platform independent enhancement file contains an element representative of a television image.

52. (Previously Presented) The system of claim 50 wherein said parser scans a list of elements and produces a change text function for elements with a text area tag.

53. (Previously Presented) The method of claim 28 wherein said first parsing script includes a routine that scans a list of elements and produces a change text function for elements with a text area tag.

54. (Previously Presented) The method of claim 28 wherein said second parsing script includes a function to translate a color value dependent on said specific television platform.

55. (Previously Presented) The parser of claim 42 further comprising:

a routine that scans a list of elements and produces a change text function for elements with a text area tag.

56. (Previously Presented) The parser of claim 42 further comprising:

a routine that translates a color value dependent on a specific television platform.

va-160698

Application No. 09/933,927

7

Attorney Docket No.: 577172000600

57. (Previously Presented) The parser of claim 51 wherein said platform independent enhancement file further comprises:
an element that specifies a screen location for the media player.

va-160698